

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yoshikazu SOENO Group Art Unit : 2627
Appl. No. : 10/751,536 Examiner : Robert S. TUPPER
Filed : January 6, 2004 Confirmation No. : 3314
For : MAGNETIC HEAD FOR RECORDING/ REPRODUCTION, MAGNETIC RECORDING MEDIUM, AND RECORDING/ REPRODUCTION APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

ELECTION

In response to the Examiner's restriction requirement dated September 6, 2006, in which the one month shortened statutory period for responding set therein runs to October 6, 2006, Applicant elect, with traverse, the invention identified by the Examiner as Group I, drawn to a magnetic head and apparatus using such, including claims 1-3, 7 and 8.

TRAVERSE

Applicant respectfully traverses the Examiner's restriction requirement.

Applicants respectfully request that each of the two inventions be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. §803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be a "serious burden" on the Office in also examining the claims directed to

non-elected invention II, viz., claims 4-6, which would remain withdrawn from consideration if the restriction requirement is maintained.

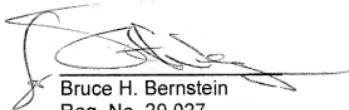
M.P.E.P. Chapter 800 sets forth the policy by which Examiners are guided in requiring restriction under 35 U.S.C. 121. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that it appears that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Group I (claims 1-3, 7 and 8), i.e., the magnetic head and apparatus using the magnetic head, there would not appear to be a serious burden in continuing the examination for the invention of Group II (claims 4-6), i.e., the magnetic medium that uses the magnetic head of Group I.

Therefore, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn, in view of a lack of a serious burden, as recognized in M.P.E.P. 803 as being a prerequisite to a proper restriction requirement.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully Submitted,
Yoshikazu SOENO



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October 6, 2006
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